

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, January 6, 1987

Present: Commissioner W. Edward Bailey
Commissioner Robert Jarboe
Commissioner John G. Lancaster
Commissioner Rodney Thompson
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

(Commissioner President Joseph P. O'Dell was not present at beginning of meeting.)

CALL TO ORDER

The meeting was called to order at 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, December 30, 1986.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) LEGISLATIVE ITEMS

The County Administrator advised that in the past the Commissioners would, on the week after the public meeting, review all the legislative items and take a position (support; no support; amend; no comment). A letter would then be forwarded to the legislators setting forth the Board's positions on each of the items.

The Commissioners agreed to continue with the procedure as set forth above.

2) PERSONNEL
INFORMATION AND REFERRAL COORDINATOR
OFFICE ON AGING

The County Administrator presented a memorandum from the Personnel Officer dated January 5, 1987 recommending the appointment of Rita Bakewell to the position of Information and Referral Coordinator, Grade 6, effective January 12, 1987.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) GREAT MILLS ROAD
STATE HIGHWAY ADMINISTRATION MEETING

Mr. Norris advised that SHA will be conducting a pre-preliminary meeting relative to the Great Mills Road (Md. Rt. 246) improvement project. The meeting will be held on January 22 in Baltimore and any of the Commissioners are welcome to attend.

2) RENTAL CONTRACT BIDS

Mr. Norris presented the following rental contract bids and recommended awarding the bids as indicated:

a) Roadside Drainage Improvements
Project No. SM 87-1-12

Trading Post - \$2,443.63

Commissioner Lancaster moved, seconded by Commissioner Jarboe to approve the award of the bid as recommended. Motion carried.

b) Carpentry and Millwork
Project No. SM 87-6-2

County Contractors - Trading Post

Item 1. \$16.00	Item 4. \$20.00
Item 2. \$10.00	Item 5. \$16.00
Item 3. \$10.00	Item 6. \$16.00

Commissioner Jarboe moved, seconded by Commissioner Lancaster to approve the award of the bid as recommended. Motion carried.

c) Electrical Modifications
Project No. SM 87-6-3

William C. Mattingly

Item 1. \$21.00	Item 4. \$26.00
Item 2. \$17.00	Item 5. \$22.00
Item 3. \$ 9.00	Item 6. \$12.00

Commissioner Jarboe moved, seconded by Commissioner Lancaster to approve the award of the bid as recommended. Motion carried.

d) Plumbing Modifications
Project No. SM 87-6-4

Lacey Plumbing & Heating

Item 1. \$18.00	Item 4. \$23.00
Item 2. \$10.00	Item 5. \$16.00
Item 3. \$ 8.00	Item 6. \$12.00

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve the award of the bid as recommended. Motion carried.

(COMMISSIONER O'DELL ENTERED THE MEETING - 10:00 a.m.)

PROJECT NO SM 85-4-10
ST. MARY'S COUNTY CORRECTIONAL FACILITY

Present: John Norris, Director, Dept. of Public Works
Sheriff Wayne Pettit
Al Smith,
Fred Wallace, Correctional Facility Advisory Committee

For the benefit of the new Board of Commissioners Mr. Norris reviewed the history of the correctional facility project, including the conceptual design by Mosely-Hening; the Advisory Committee's recommendations for a 108 bed facility; site plan approval by Planning Commission, Board of Appeals and Leonardtown Commissioners.

At this point Mr. Norris displayed and reviewed the site plans pointing out the details of the proposed construction and the aesthetics of the exterior of the building.

After the review Mr. Norris advised that the bids for the construction of the facility were opened December 1 and were rejected because of costs exceeding funding limitations. However, Mr. Norris indicated that he was authorized to negotiate with all of the bidders to come up with amendments to the scope of the project to arrive at cost savings. He stated that he met with the architect, the Advisory Committee, bidders and subcontractors, after which the specifications were amended, and new bids were opened on December 19, 1986. Mr. Norris pointed out that the bids for the food service equipment and laundry equipment were opened December 1; however, no action was taken at that time.

After discussion of the funding issues including Jail Loan Act funds, Mr. Norris advised that the total project is estimated to be approximately \$8,000,000. In order to be within the FY '87 budgetary figures, Mr. Norris recommended that the Commissioners award the base bid to The Davis Corporation, the lowest bidder, in the amount of \$6,959,000; that the awarding of the bids for Alternate # 1 (additional administrative area) in the amount of \$154,000, the food service equipment and laundry equipment be postponed until FY '88. In addition Sheriff Pettit presented correspondence dated December 29, 1986 indicating that the Correctional Facility Advisory Committee has reviewed the bids and recommends awarding the contract to the lowest bidder in the amount of \$6,959,000.

Mr. Norris indicated that he would like for this project to be on the January Board of Public Works agenda and the cut-off date is Thursday, January 8, 1987.

After discussion Commissioner Bailey moved, seconded by Commissioner Jarboe, to award the base bid to The Davis Corporation, the lowest bidder, in the amount of \$6,959,000 for Project No. SM 85-4-10. Motion carried.

Mr. Norris advised that he will prepare the language for the Jail Loan Act for additional funds in the amount of \$235,000 for submission to the legislators.

C & P TELEPHONE COMPANY
CENTREX SYSTEM

Present: Chris Holloran, Account Executive, C & P
Anthony Unitas, Sales Manager, C & P
Alfred Mattingly, C & P
Paul Raley, Director, Purchasing and Logistics

Representatives of the C & P Telephone Company appeared before the Commissioners to present a proposal for the Centrex Telephone System for use by local government. Mr. Holloran explained the advantages of the system including direct dialing, 24-hour maintenance, minor space requirements, protection against obsolescence, etc. He also reviewed the various costs for the system stating that with the "best case" example, there would be a savings of \$16,176 and with the "worst case" example, there would be a savings of approximately \$5,000.

In conclusion Commissioner O'Dell, on behalf of the Board, expressed appreciation for the presentation by C & P and advised that the Commissioners would review the proposal and would be back in contact regarding the matter at a later date.

COUNTY COMMISSIONERS ITEMS

1) COMMISSIONERS' FORUM

Mr. O'Dell distributed a memorandum setting forth a proposal for a County Commissioner one-hour radio form every Friday on WPTX. The purpose would be to discuss the previous Board's meeting and the upcoming Tuesday meeting. The Commissioners agreed to defer a decision on this proposal until later.

2) CORRESPONDENCE TO BOARD OF DIRECTORS
CHAPTICO RECREATION ASSOCIATION

Mr. O'Dell presented the referenced correspondence for the Commissioners' review and signatures setting forth preliminary direction concerning the operation of the Wicomico Shores Golf and Country Club.

Commissioner Bailey moved, seconded by Commissioner Jarboe to sign and forward the letter. Motion carried.

3) REIMBURSEMENT FOR COUNTY-INCURRED EXPENSES

Mr. O'Dell presented a memorandum setting forth a suggested guideline to be used by the Commissioners for reimbursement for travel and other related costs while functioning in an official capacity as County Commissioner. The Commissioners agreed to review the memorandum and will take action at a later date.

PRESENTATION TO COUNTY COMMISSIONERS

Present: Arthur "Buck" Briscoe, Director, Economic Development Commission

Mr. Briscoe appeared before the Commissioners to present a gift to the Board (silver tray, pitcher and goblets), and congratulated them upon their election.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Jarboe, to meet in Executive Session in order to discuss matters of Personnel and Litigation. Motion carried. The Session was held from 12:10 p.m. to 12:50 p.m.

OFFICE OF PLANNING AND ZONING
REZONING PUBLIC HEARING
ZPUD #86-0893 - MAYJACK, INC.

Commissioners present: Joseph P. O'Dell, W. Edward Bailey, Robert Jarboe, John G. Lancaster and Rodney Thompson. Staff present included: Frank J. Gerred, Director, Robin Guyther, Planner, and Anita M. Meridith, Recording Secretary.

Members of the audience included: Jim Kenney, David M. Jenkins, Dan Armitage, Robert Mayor, Floyd Williams, Louis P. Eberle, Barbara Thompson, Karen Abrams.

ZPUD # 86-0893: MAYJACK, INC.

Requesting rezoning from R-2, Low Density Urban Residential, to PD-IP, Planned Development Industrial Park (25.2 acres) and PDR, Planned Development Residential (105.3 acres). The property is located off Barefoot Drive (extended), California, Eighth Election District, shown on Tax Map 42, Block 5, as Part of Parcel 51 and Parcels 71, 154 and 165. (Site adjacent to the proposed Amber Meadows Mobile Home Park).

Mr. Robin Guyther, Planner, OPZ, briefed the newly installed Board of Commissioners on the history of this application and the chronological sequence of reviews and approvals received to date. Staff referred to the brief containing pertinent documentation of this application which was distributed to all members of the Board, noting that the Planning Commission's recommendation was contained therein. Said recommendation incorporated a positive recommendation for rezoning, with several conditions, primarily relating to the improvement of Chancellor's Run Road.

Advertisement of this public hearing appeared in "The Enterprise" Newspaper, a publication of general county-wide circulation, in the Friday, December 17, 1986 issue, providing required legal notification.

The complete Planning Commission record was formally entered into the County Commissioners record/hearing, whereupon Mr. Guyther inquired whether the adjoining property owners had been legally notified of the public hearing this date. Ms. Karen Abrams, counsel for the applicant, advised that the property had been posted with the placard provided by the Office of Planning and Zoning, evidenced by photograph of said posting, entered into the record, marked Applicant's Exhibit No. 1. Correspondingly

offered, entered into evidence as Applicant's Exhibit No. 2, find returned postal receipts with copies of letter sent to all contiguous property owners, advising them of the requested rezoning hearing to be held this date.

Ms. Abrams provided a brief introduction and orientation as to the location of the property. Speaking to the legal basis for the rezoning, Ms. Abrams noted that while normally a change in the zoning category must be based on either change in the character of the neighborhood or mistake in the original zoning, there was an exception with regard to Planned Unit Development (PUD) so as to encourage this multi-use of the land by combining various zoning categories. Such a PUD classification is considered a floating zone, and thus, this concept must prove to be compatible with the Comprehensive Plan and must be compatible with the neighborhood. She urged that there were "safeguards" built-in which were enforced via the site plan process which would mandate that all of the specifics of the proposal be brought forth, e.g. identification of residential/commercial areas, open space, further enforced via the building provisions contained in the Ordinance, and assurance that the appropriate infrastructures were available.

Mr. David M. Jenkins, of the D. H. Steffens Company, elaborated on the rezoning report prepared by his firm. A large concept plan was displayed, with Mr. Jenkins noting that the plan had been amended so as to incorporate those changes which were identified during the rezoning process by the various TEC agencies, staff and Planning Commission. He elaborated on those changes which included, for example, additional setbacks from the two streams which traverse through this site.

The applicant is seeking a change in the zoning of this R-2 property to a Planned Development Industrial Park for a 25 acre portion of the site and for Planned Development Residential for 105 acres located on the southern area of the property. Mr. Jenkins provided a visual presentation identifying those contiguous properties and landmarks and spoke to the topographical features of this property. He provided the particulars relative to development of the individual pockets denoted on the site plan in various colors. Area A (Brown Shading) - 16.4 acres comprising 148 dwelling units; Area B - 36.8 acres comprising 294 units; and area C (southern portion) of 7.3 acres, comprising 37 dwelling units, for a total of 479 units situated on 101 acres, resulting in an overall density of 4.5 units per acre. Denoted in green shading on the western portion of the site, 11 acres would be dedicated to open space and would function as both buffer and recreational area for the existing Barefoot Acres Subdivision and this project.

A pedestrian access point would be provided to the State Park located to the southwestern area of this property. The plan includes and provides for a widening along the entire length of Chancellor's Run Road of 24 ft. The property would be serviced by public utilities (water and sewer) and it was estimated that the project would demand approximately 119,000 gallons of water per day.

With regard to the improvements along Chancellor's Run Road, Mr. Jenkins emphasized that while the original plan called for the extension of Barefoot Drive to the west, through an existing portion of Barefoot Acres, as a result of another rezoning case (Tidewater Development) located to the west of this site, and comments issued by the Department of Public Works relative to realignment of the road, the plan displayed was changed to effect a new alignment. This amended plan now incorporates said realignment which now ties into the approved road alignment that is also part of the Tidewater Development and thus diverts traffic from utilizing Barefoot Drive via the existing Barefoot Acres community. Mr. Jenkins also noted that there would be an eventual connection between Rolling Road on the west all the way over to Chancellor's Run Road, providing by-pass and alternative to using Route 235.

Mr. Jenkins elaborated on other details contained within said report, i.e. impact upon schools, emergency services, fiscal impacts, project phasing, relationship/compatibility with the Comprehensive Plan, sediment control and stormwater management.

The Chair reflected that the proposal appeared to extract some 24 ft. of additional right-of-way from Chancellor's Run Road and he questioned what the width of that road was at present. Mr. Guyther explained that the applicant had proposed a 20 ft. dedication, however, the Planning Commission, rather than addressing a specific amount of dedication, only expressed concern and issued recommendation that two lanes be constructed on that side of the highway, of whatever width necessary. Mr. Jenkins agreed that depending upon what easements were required by the State Highway Administration (SHA), the width could be greater. Mr. Guyther advised that the SHA had recently completed a study of Chancellor's Run Road and had recommended that there be a 100 ft. right-of-way from end to end (is now 40 ft.) Mr. Jenkins added that he had recently discussed this issue with Mr. Frank Coxen of the State Highway Administration who reportedly advised that a 20 to 24 ft. width would be required.

Commissioner O'Dell noted that commentary as to the impact of the projected 305 students generated by this development upon the three impacted schools was deficient and he asked that the Board of Education be requested to provide that information. Additionally, he asked whether the applicant preferred to provide the money in lieu of the open space or rather would dedicate the 11 acres of designated land to the County as open space. Mr. Jenkins stated that certainly the open space could be dedicated to the County as parkland. Mr. Guyther urged that Mr. Baggett, Director of Parks and Recreation, had instituted policy that unless he noted otherwise, he preferred money in lieu of land. The Chair asked staff to forward a request to Mr. Baggett from the Board, that he provide them with a written clarification of this policy.

Questioning by the Board ensued and the Chairman referencing correspondence contained within the file from contiguous property owner James Dobry, asked whether an approval of this application for a 4.5 density would have any impact on the contiguous Dobry property which was zoned PDR 3.5. Staff assured that one had no bearing on the other, however, said contiguous owner retained the right to submit a new application, should he so desire, thus requesting the higher density, all of which would be subject to the same procedures (requiring notification, public hearing, etc.).

Noting that the price range of the homes in this development were in the \$ 100,000 price range, Commissioner O'Dell commented that the demand for that price of housing in St. Mary's County was not in as great demand as it had been in previous years. Given that a market analysis had not been provided by the applicant, the Chair suggested that the applicant provide same, which would hopefully shed some light as to the absorption rate of the sale of the homes over a specific period of time, as this factor directly coincided with the issue of public services/education and impact upon the schools.

Commissioner Thompson asked the applicant to elaborate on the build-out schedule for the project. Mr. Guyther advised that the original proposal called for commencement of the commercial/industrial section of the development in 1987 and start of the residential area in 1989 with completion of housing sales in 1996.

Commissioner Jarboe asked staff to elaborate further on the traffic impact specifically with regard to Chancellor's Run Road. Mr. Guyther explained that 115 units would generate an additional 1,000 trips per day on Chancellors Run Road (derived by using formula of 7 to 9 vehicle trips per day, per unit). Staff explained that the specific amount of traffic generated by the commercial/industrial use was rather hard to project until the actual uses on the site were known. He explained that offices generated far less traffic than a commercial use (offices are proposed under this plan). Commissioner Jarboe voiced concern with the traffic impact, noting that there was indeed an existing traffic problem which would be seriously impacted by this development. Mr. Guyther felt it appropriate to elaborate on the Planning Commission's recommendation and explained that their conditioned approval specified that 115 dwelling units and 91,000 sq. ft. of commercial area could be developed as the first stage of construction, however, no further development/progression would be allowed until the road was improved. Staff emphasized that the owner could, if he so chose, construct said road himself, rather than waiting for the State. Mr. Guyther emphasized that the same owner of this subject property, owned all the property up to Route 235.

Ms. Abrams offered closing remarks and asked that Mr. David Jenkins be accepted as an expert witness, his educational and professional credentials having been entered into the Planning Commission record previously, now incorporated in this record. The Commissioners concurred to accept Mr. Jenkins as an expert witness.

Mr. James A. Kenney, Attorney-At-Law, spoke to the issue of dedication vs. the taking of land and cautioned that the Board should consider the legal implications should the applicant be required to build/improve the road, as opposed to the dedication. Mr. Kenney urged that the matter of dedication of 20 ft. was not a problem, however, the real issue to be considered was "how much is generated as a result of this project and how much is a general problem with the community." Counsel urged, "...these are cumulative problems....what I'm suggesting to you is that you can't solve a general problem through the police powers, the regulations that you put on a project...."

Testimony was opened for public commentary.

Mr. Alan Bussler of Callaway, Maryland, asked staff whether there was an adequate highway and street system with appropriate control devices to serve this proposal. He asked, "Are we going to be able to handle the traffic that this will create?" Mr. Guyther replied that indeed one of the major issues relative to this application had been that relative to the traffic impact with lengthy discourse as to who would be responsible to cause those improvements to Chancellor's Run Road. Mr. Bussler suggested that the proposed four lane highway be extended beyond this property from Route 235 to Great Mills Road so as to improve the total traffic flow on Chancellor's Run Road.

Mr. Louis Eberle voiced concern with the fact that there was a cemetery located on Chancellor's Run Road and urged that the location of same did not afford any area for widening of the road. Staff urged that in that instance, property would be taken on the other side of the road. Staff reiterated that while the state's goal was to acquire a 100 ft. right-of-way along the entire course of Chancellor's Run Road, they had not, at this point indicated which properties would be effected, only that this was the ultimate goal.

Hearing no further testimony, the Chair entertained a motion to close the hearing.

Commissioner Bailey moved, seconded by Commissioner Lancaster, and unanimously passed, to close the public hearing regarding Zoning Application ZPUD # 86-0893 for Mayjack, Inc. The Board will take the matter under advisement and render decision within the next several weeks.

EARL BRIGGS CORPORATION
ST. MARY'S COUNTY AIRPORT

Present: Tom Chapman, President, Earl Briggs Corp.
Lee Phillips, Vice-President, "
John Paradis, Chairman, Airport Commission
Thomas McGuyre, Vice-Chairman, "

Mr. Phillips requested an Executive Session with the Commissioners stating that because of actions by certain officials and residents in the County, it would not be appropriate to discuss it in open session.

Mr. Paradis requested that he and Mr. McGuyre be allowed to attend this session. However, the representatives of Earl Briggs Corp. stated that they had a problem with that.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to meet in Executive Session regarding personnel. Motion carried. However, Mr. O'Dell indicated that if it is not executive session material, the Commissioners would not continue in the session. The Session was held from 2:20 p.m. to 2:35 p.m. Present in the Session were: Tom Chapman and Lee Phillips.

After the session Mr. O'Dell stated that after listening to the presentation it was decided that it was no executive session material; therefore, the matter will be discussed publicly.

Mr. Phillips stated that it is the opinion of the Earl Briggs Corporation that the Airport is not being properly managed by the current Fixed Base Operator, Atlantic Aero. Some of the issues pointed out by Mr. Phillips are:

1. That Earl Briggs protested the award of the FBO lease to Mech-Dyne and was denied a meeting with the Airport Commission;
2. That the required \$50,000 performance bond was not posted by the FBO;
3. That Earl Briggs questioned the sale of the lease from Mech-Dyne to Atlantic Aero and did not get a response from the Airport Commission; Earl Briggs took it to Court and was subsequently "thrown out of court."
4. That the County's subsidy of the air flight service at the Airport was inappropriate;
5. That the FBO's request for increase in tie-down fees was inappropriate;

6. That Earl Briggs has offered to construct "T" Hangars to be rented at \$125 per month and did not have an opportunity to present this proposal;
7. That an alternative plan had been presented to the Airport Commission but was not accepted;
8. That the County Commissioners agreed to extend the deadline for the commence of construction of "T" hangars and this had not been voted on by the Airport Commission.
8. That Earl Briggs could operate the Airport at a significantly higher profit to the County than Atlantic Aero and would also increase the assets of the Airport, which Atlantic Aero did not do;

During discussion Mr. Phillips and Mr. Chapman requested that the Commissioners declare the current lease with Atlantic Aero null and void and that Earl Briggs was willing to take over the lease.

In conclusion Commissioner O'Dell requested that Earl Briggs Corporation submit in writing what was discussed at this meeting pertaining to its allegations. In addition Earl Briggs Corporation was requested to submit figures with supporting evidence of the proposal to operate the county airport.

DEPARTMENT OF PUBLIC WORKS
BIDS ON TRACTOR TRUCK
PROJECT NO. SM 87-5-5

Present: John Norris, Director

Mr. Norris presented the bid tally sheet for the purchase of a Tractor Truck and recommended awarding the bid to Webber's White Trucks, Inc. in the amount of \$41,500 (\$47,500 purchase price less \$6,000 trade-in).

Commissioner O'Dell requested that Mr. Norris follow the appropriate procedures and present the requisition form along with signed certification from the Budget Office that funds are available in the account and return to the Board next week.

In order not to tie up money from other than the lowest bidder, Commissioner Bailey moved, seconded by Commissioner Thompson, to release the bid bonds of the other bidders. Motion carried.

PUBLIC FORUM

At this time the Commissioners conducted their regular weekly Public Forum receiving questions and comments from the audience.

EXECUTIVE SESSION


Present: John Norris, Director, DPW
Joseph Densford, Assistant County Attorney

Commissioner Jarboe moved, seconded by Commissioner Lancaster to meet in Executive Session in order to discuss a matter of litigation. The Session was held from 3:45 p.m. to 5:05 p.m.

ADJOURNMENT

Commissioner Thompson moved, seconded by Commissioner Jarboe to adjourn the meeting at the conclusion of the Executive Session. Motion carried.

Approved,


Joseph P. O'Dell
President